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**Z-2566**  
**MARKET SOUTH LLC AND CENTIER BANK**  
**NB to GB**

**STAFF REPORT**  
**March 13, 2014**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners, who are represented by attorney Andrew Gutwein, are requesting the rezoning of Lots 1, 2, 3 and 4 in Valley Lakes Shoppes Subdivision from Neighborhood Business to General Business. Lots 3 and 4 contain a recently completed integrated center; lots 1 and 2 are unimproved. The site is located on the south side of Veterans Memorial Parkway just west of Regal Valley Drive, Lafayette, Wea 9 (SE) 22-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This land gained its NB zoning in December 2001 when it was rezoned from R1B (Z-2042). The land to the south was also rezoned from R1B to NB in 2001 (Z-2041). Adjacent to the west are 4 acres rezoned from R1A to LBS (now GB) in 1994 (Z-1557). About 21 acres at the northeast corner of S. 18<sup>th</sup> and Veterans Memorial Parkway were rezoned from R1 to LBS (now GB) and LB (now NB) in 1996 (Z-1659 and 1660). The southwest corner of the intersection was rezoned from R1 to NB in 1999 (Z-1839). Land to the east took on its R3 zoning in 1994 (Z-1562).

**AREA LAND USE PATTERNS:**

The site in question contains a new strip center with a restaurant/bar, fitness facility, insurance office and a tanning salon. Located to the west is another strip center containing a gas station, restaurant and bank. East across Regal Valley Drive is an assisted living facility and an apartment complex. North across Veterans Memorial Parkway are a bank, a strip center containing offices and a fast food restaurant; land to the south is undeveloped.

**TRAFFIC AND TRANSPORTATION:**

The site in question has frontage on Veterans Memorial Parkway, Regal Valley Drive (to the east) and Regal Valley Place (a private drive to the south); access to these lots would either be from Regal Valley Drive or Place.

Parking is dependent on use: restaurants necessitate the most intensive parking standard at one space per 100 square feet of gross floor area. A conversation with the Lafayette City Engineer's office revealed that enough parking was constructed to handle a total of 13,000 sq. ft. of restaurant space out of the total 29,292 sq. ft. in the center. Approximately 5,000 sq. ft. of restaurant space is utilized by the existing restaurant, Wings Etc. Grill & Pub.

Traffic counts taken in 2012 on Veterans Memorial Parkway indicate that 17,700 vehicles pass this site daily.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The site is served by public sewer and water. No buffering is required along the boundary of NB and GB zones.

**STAFF COMMENTS:**

Recently a commercial strip center was constructed on lots 3 and 4. Lot 2 has been sold to a bank and Lot 1 is currently for sale. The strip center on lots 3 and 4 is conforming in the NB zone. According to petitioners' representative, a potential tenant (a bagel shop) for the center would like to have a drive-thru window. The ordinance allows drive-thru windows for eating and drinking establishments in the NB zone with a special exception from the Area Board of Zoning Appeals. However, the GB zone allows drive-thru service by right.

For years staff has recommended NB zoning for this area of Veterans Memorial Parkway with GB zoning clustered to the east at the intersection of Concord and the Parkway. This vision is reflected in the *Comprehensive Plan* as well as the citizen efforts of the 350 S Corridor Taskforce approved by the APC and passed along to the County Commissioners (but not adopted). Staff's recommendations to maintain NB zoning along this portion of the Parkway have largely not been supported by past rezoning decisions rendered by the County Commissioners and City Council which have mostly supported GB petitions. The result of these decisions is that our most intense commercial zoning lines nearly both sides of the Parkway from South 18<sup>th</sup> to Concord Road. This development pattern is monotonous, overly intense and ultimately unsustainable. One only needs to look at the unbroken and aging commercial strip centers of South Street and Sagamore Parkway with their numerous vacancies and empty character and ask: Do we really need another one?

Staff will continue to promote good planning principles despite past decisions by our legislative bodies. Past planning efforts that established a truly sustainable vision for Veterans Memorial Parkway should continue to be respected. Neighborhood Business should remain here; the correct path for a proposed drive-thru window in this neighborhood commercial node is obtaining a special exception from the ABZA.

**STAFF RECOMMENDATION:**

Denial